

REMARKS

Claims 1 through 24 are currently pending in the above-captioned application. In the Office Action, the Examiner rejected Claims 1-24 as being unpatentable over U.S. Patent No. 5,139,268 to Garnett (“Garnett”), either alone or in combination with U.S. Patent No. 6,394,453 to Siemers (“Siemers”).

After reviewing the Examiner’s comments and the cited prior art, the Applicant now respectfully responds as follows. First, by way of summary, the Applicant respectfully notes that the basic lesson taught by the board game disclosed in Garnett is different from that disclosed in the present application, and as a result, the games (and the way they are played) differ significantly. Most notably, Garnett’s game teaches players that if they try to take shortcuts—in the game or in life—they will encounter greater adversity and fewer rewards than if they take the longer, but ultimately more advantageous, path. The game board reflects this theme by providing a first (inner) path, which is populated with spaces causing negative outcomes for tokens landing on them, and a second (outer) path, which is populated with spaces providing positive outcomes for tokens landing on them. Significantly, players have the option of choosing which path to follow, and even have the option of moving back and forth from one path to the other as they wish (provided such movement always occurs along a series of contiguous spaces).

The game of the present invention, on the other hand, teaches players that life inevitably involves the use of both “connecting behaviors” and “disconnecting behaviors.” However, players who use more “disconnecting behaviors” than “connecting behaviors” are doomed to remain in one type or mode of existence (“Situation A,” represented by the circular path of spaces in a first play area), while ultimate success—in the game or in life—only occurs when players are in a mode of existence (“Situation B,” represented by the circular path of spaces in a second play area) in which they use more “connecting behaviors” than “disconnecting behaviors.” Unlike the Garnett game, no contiguity is provided between the two paths, and players may not move back and forth between the two paths at their whim; instead, players must attain a certain level of achievement in “Situation A” before being permitted to begin an existence in “Situation B.” Perhaps even more importantly, players continue to encounter both “connecting behaviors” and “disconnecting behaviors” in both Situations/play areas, because spaces representative of these two categories of behavior are present (though preferably in varying proportions) in both play areas.

With the foregoing in mind, the Applicant thus believes it apparent that Garnett fails to disclose a board game having play areas as disclosed in the present application. This has been clarified, however, with amendments to independent Claims 1 and 16. First, both Claims 1 and 16 have been amended to clarify that each of the various claimed paths includes spaces of a first behavior category interspersed with spaces of a second behavior category. Although Garnett may disclose two types of spaces, spaces of the first type are restricted to the outer path, while spaces of the second type are restricted to the inner path. Furthermore, in view of the discussion provided hereinabove, there would be no motivation for one of ordinary skill in the art to combine the two types of space in a single path because Garnett's intention is to teach players that shortcuts (in either the game or in life) are not a path to success, and Garnett has thus intentionally isolated the "Say No and Go" spaces from the "Skull and Crossbones" spaces in the two different paths.

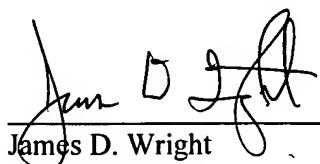
Claim 16 has also been amended to make clear that the two different paths are noncontiguous from each other. This emphasizes the fact that players in the game of the present invention may not move back and forth from one play area to the other merely at their own whim; instead, they are confined to one play area until they attain a certain level of achievement, thus permitting them to move to the second play area. This achieves the purpose of teaching players that they need to work to move from a mode of existence in which they are engaging in "disconnecting behavior" more often than "connecting behavior" to a mode of existence in which they are engaging in "connecting behaviors" more frequently. Again, such a purpose runs contrary to the purpose of Garnett, which is to present both paths as options for players but to teach them that in the long run, they are better off choosing one path over the other.

Claims 1 and 16 have also been amended to make clear that the game of the present application is a board game of traditional design; i.e., a game in which tokens, each representative of a particular player, are moved from space to space along a path of contiguous spaces. Among other purposes, this amendment is intended to further emphasize an important distinction between the game of the present invention and the games disclosed in Siemers, which are not board games at all. Instead, the "game board" of Siemers is merely a visual aid used to score a game that essentially takes place using pencil and paper. In Siemers, tokens are not moved along a path of contiguous spaces, but are instead merely placed on the (score) board on the basis of their respective owner's responses so that the responses may be scored. For this reason, Applicant respectfully submits that not only are

the board games described in Claims 1 and 16 not disclosed by Siemers (particularly after the above-referenced amendments), but there would be no motivation for one of ordinary skill in the art to refer to consult Siemers for any guidance in the design of a board game such as is disclosed by Garnett or in the present application, because Siemers does not teach anything of board games.

In view of the foregoing, the Applicant respectfully submits that Claims 1-24 of the present application are now in condition for allowance, based upon the limitations of Claims 1 and 16 and the further limitations contained within each dependent claim. Thus, the Applicant respectfully requests that these claims be allowed. Finally, the Applicant requests that the Examiner telephone or email the undersigned to resolve any such issue so as to expedite the prosecution of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James D. Wright', is written over a horizontal line.

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Attorney Docket No.: 0027462.00003